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6 DAVID K. CHESTER, III,

7 Petitioner,

8 vs.

9 MAGGIE MILLER-STOUT,

10 Respondent.

11 NO. CV-08-379-CI

12 ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
PETITION

13 Magistrate Judge Imbrogno filed a Report and Recommendation on
14 March 30, 2009, recommending Mr. Chester's habeas corpus petition be
15 dismissed as it plainly appeared Mr. Chester was not entitled to
16 relief in the federal district court. There being no objections, the
17 court **ADOPTS** the Report and Recommendation. The Petition is **DISMISSED**
18 **WITH PREJUDICE** under Rule 4, Rules Governing Section 2254 Cases in the
19 United States District Courts.
20

21 **IT IS SO ORDERED.** The District Court Executive is directed to
22 enter this Order, enter judgment, forward copies to Petitioner and
23 close the file.

24 **DATED** this 27th day of April, 2009.

25 *s/Lonny R. Sukko*

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27 LONNY R. SUKCO
UNITED STATES DISTRICT JUDGE